

### REMARKS

Claims 1-7 remain in this application. Claims 1-6 have been amended to better define Applicant's invention.

The amendment "said first masks include a pair of first mask members which are movable closer to or further away from each other so as to adjust a first length of said transmission area in said spectrum direction" is based on FIGS. 2 and 3, and the description: "Each of the variable masks 24a and 24b can be independently moved in the spectrum direction (the left-to-right direction in the figure). Therefore, by moving the absolute positions of the variable masks 24a and 24b in the spectrum direction, it becomes possible to adjust the wavelength band of the fluorescent light received by the photodetector device 30. In addition, by controlling the gap w1 between the variable masks 24a and 24b, it becomes possible to adjust the wavelength width of the fluorescent light received by the photodetector device 30" on page 8, lines 2 to 8, in the original specification of the present application.

The amendment "said second masks include a pair of second mask members which are movable closer to or further away from each other so as to adjust a second length of said transmission area in said direction perpendicular to said spectrum direction" to claim 1 is based on the description: "The composite masks 24c and 24d can independently move in the perpendicular direction (the top-to-bottom direction of FIG. 2) (It is possible to move both in the perpendicular direction while preserving the gap of the aperture portion between the composite masks 24c and 24d at a constant width). Therefore, by moving the absolute position of these variable masks 24a and 24b in the perpendicular direction, it becomes possible to adjust the transmission position of the fluorescent light in the perpendicular direction. In addition, by controlling a gap w2 between these variable masks 24a and 24b, it becomes possible to adjust the height dimension through which the fluorescent light can be transmitted in the perpendicular direction" on page 8, lines 9 to 17, in the original specification of the present application.

Accordingly, the amendments to claim 1 find clear support in the specification and drawings.

Furthermore, amendments to claims 3 to 7 to make them consistent with the above-mentioned amendments to claim 1 are proposed.

All claims stand rejected as unpatentable over Takashi et al. in view of Ohguri (1,3-7) or further in view of Engelhardt (2 and 7/2/1). Applicant respectfully traverses this rejection.

First of all, it should be noted that the Office Action includes the following inconsistencies (i) to (iv).

- (i) The Examiner states in the Office Action that “a light beam (311)” is disclosed Takashi et al.; however, the reference number “311” is not even used in Takahashi et al.
- (ii) The Examiner also contends in the Office Action that “a mask 100a” is disclosed in Ohguri; however, the reference number “100a” is not used with masks in Ohguri. Applicant presumes that the reference number of “100a” should be “110a”.
- (iii) The Examiner rejected claim 5 as obvious in view of Takahashi et al. and US Patent No. 3,639,039 to Rhodes; Applicant presumes that the Examiner meant to reject claim 5 using Takahashi et al. and *Ohguri*, not Rhodes.
- (iv) The Examiner rejected claims 2 and 7/2/1 as obvious in view of Takahashi et al., Ohguri, and Engelhardt et al. *PCT Publication No. WO99/00211*; however, PCT Publication No. WO99/00211 discloses an invention regarding “GRINDING DEVICE FOR CHAIN SAWS” which does not have any relevancy to a spectroscope. Applicant presumes that the Examiner rejected claims 2 and 7/2/1 in view of Takahashi et al., Ohguri, and *US Patent No. 6,801,359 to Engelhardt*.

Despite the foregoing deficiencies and inconsistencies in the Office Action, Applicant will respond below to the extent he is able in order to assist the Examiner’s understanding of novelty and non-obviousness of the present invention.

As clearly stated in currently amended claim 1, the spectroscope of the present invention includes the following unique features (a) and (b).

- (a) A first mask is disposed such that a transmission area of each of the separated light beams in a spectrum direction is limited. This first mask includes a pair of first mask members which are movable closer to or further away from each other so as to adjust a first length of a transmission area in the spectrum direction.
- (b) A second mask is disposed such that the transmission area of each of the separated light beams in a direction perpendicular to the spectrum direction is limited, where the spectrum direction denotes a direction of the arrangement of these separated light beams when viewed against the line of the resolved separated light beams. This second mask includes a pair of second mask members which are movable closer to or further away from each other so as to adjust a second length of said transmission area in said direction perpendicular to said spectrum direction.

Furthermore, by adopting these features (a) and (b), the spectroscope of the present invention can obtain an advantage in that *“it is possible to freely adjust position and size (both the width dimension and the height dimension) of the square aperture part, fluorescent light having a desired wavelength band and wavelength width can be selected and received by the photodetector device 30, and thereby it becomes possible to block reliably the other fluorescent light”* (description on page 8, lines 18 to 23, in the original specification of the present application).

The Examiner asserts, in the Office Action, that the spectroscope according to claim 1 of the present invention can be obtained by applying optical filters 110 shown in FIGS. 4A to 4D of Ohguri to the spectroscope disclosed in Takashi et al.

However, *all of the optical filters 110 disclosed in Ohguri have slits (i.e., a transmission area) the sizes of which thereof are constant and cannot be adjusted at all. Such slits having constant sizes cannot flexibly respond to variances of a size of a spot light, sizes of side lobes of separated light beams, and gaps between the spot light and the side lobes. Therefore, the optical*

filters 110 cannot reliably avoid passing through of the side lobes of the separated light beams having other wavelengths and the like, which are not preferable from the viewpoint of increasing the precision of the resolution. If such problems (such as capturing of the side lobes) happened because of utilizing the optical filters 110, then it would be required to design and manufacture new optical filters in order to solve the problems. Therefore, the optical filters 110 disclosed in Ohguri cannot obtain the above-mentioned advantage of the present invention.

Accordingly, the spectroscope of the present invention as set out in amended claim 1 cannot be obtained by applying the optical filters 110 of Ohguri to the spectroscope disclosed in Takashi et al., since, at least, the above-mentioned features (a) and (b) are *not* disclosed or suggested therein.

As has been discussed above, amended claim 1 of the present application includes the unique features (a) and (b), which are not disclosed or suggested in Ohguri or Takashi et al.; and furthermore, the arrangement of amended claim 1 obtains an advantage based on the features (a) and (b). Accordingly, currently amended claim 1 of the present invention is novel and non-obvious. Therefore, entry of this amendment to place this claim in condition for allowance and allowance of claim 1 is respectfully requested.

In addition, claims 2 to 7 of the present invention also should be allowable due to their dependency on claim 1 which is allowable as amended.

Thus, entry of this Amendment and allowance of this application is respectfully requested.

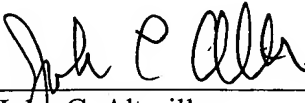
The Examiner is requested, after reviewing this response to contact the undersigned to discuss any remaining issues in this application.

The Office is authorized to charge any additional fees or credit any overpayment under 37 C.F.R. § 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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